

Union Calendar No. 80

115TH CONGRESS
1ST SESSION

H. R. 2266

[Report No. 115–130]

To amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2017

Mr. CONYERS (for himself, Mr. GOODLATTE, Mr. MARINO, and Mr. CICILLINE) introduced the following bill; which was referred to the Committee on the Judiciary

MAY 17, 2017

Additional sponsors: Mr. CRIST, Mr. DESANTIS, Mr. RASKIN, Mr. NADLER, and Ms. CASTOR of Florida

MAY 17, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 1, 2017]

A BILL

To amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Bankruptcy Judgeship*
 5 *Act of 2017”.*

6 **SEC. 2. CONVERSION OF THE TEMPORARY OFFICE OF BANK-**
 7 **RUPTCY JUDGE TO THE PERMANENT OFFICE**
 8 **OF BANKRUPTCY JUDGE IN CERTAIN JUDI-**
 9 **CIAL DISTRICTS.**

10 *(a) DISTRICT OF DELAWARE.—*

11 *(1) The temporary office of 4 bankruptcy judges*
 12 *authorized for the district of Delaware by section*
 13 *1223(b)(1)(C) of Public Law 109–8 (119 Stat. 197;*
 14 *28 U.S.C. 152 note), and extended by section*
 15 *2(a)(1)(C) of Public Law 112–121 (126 Stat. 346; 28*
 16 *U.S.C. 152 note), is converted hereby to the perma-*
 17 *nent office of bankruptcy judge and represented in the*
 18 *amendment made by section 3(1) of this Act, and*
 19 *may be filled.*

20 *(2) The temporary office of bankruptcy judge au-*
 21 *thorized for the district of Delaware by section 3(a)(3)*
 22 *of Public Law 102–361 (106 Stat. 966; 28 U.S.C. 152*
 23 *note), and extended by section 1223(c)(1) of Public*
 24 *Law 109–8 (119 Stat. 198; 28 U.S.C. 152 note) and*
 25 *section 2(b)(1) of Public Law 112–121 (126 Stat. 347;*

1 28 U.S.C. 152 note), is converted hereby to the perma-
 2 nent office of bankruptcy judge and represented in the
 3 amendment made by section 3(1) of this Act, and
 4 may be filled.

5 (b) SOUTHERN DISTRICT OF FLORIDA.—The tem-
 6 porary office of 2 bankruptcy judges authorized for the
 7 southern district of Florida by section 1223(b)(1)(D) of
 8 Public Law 109–8 (119 Stat. 197; 28 U.S.C. 152 note), and
 9 extended by section 2(a)(1)(D) of Public Law 112–121 (126
 10 Stat. 346; 28 U.S.C. 152 note), is converted hereby to the
 11 permanent office of bankruptcy judge and represented in
 12 the amendment made by section 3(3) of this Act, and may
 13 be filled.

14 (c) DISTRICT OF MARYLAND.—The temporary office of
 15 1 bankruptcy judge first appointed as authorized for the
 16 district of Maryland by section 1223(b)(1)(F) of Public
 17 Law 109–8 (119 Stat. 197; 28 U.S.C. 152 note), and ex-
 18 tended by section 2(a)(1)(F) of Public Law 112–121 (126
 19 Stat. 346; 28 U.S.C. 152 note), is converted hereby to the
 20 permanent office of bankruptcy judge and represented in
 21 the amendment made by section 3(4) of this Act, and may
 22 be filled.

23 (d) EASTERN DISTRICT OF MICHIGAN.—The tem-
 24 porary office of bankruptcy judge authorized for the eastern
 25 district of Michigan by section 1223(b)(1)(G) of Public Law

1 109–8 (119 Stat. 197; 28 U.S.C. 152 note), and extended
2 by section 2(a)(1)(G) of Public Law 112–121 (126 Stat.
3 346; 28 U.S.C. 152 note), is converted hereby to the perma-
4 nent office of bankruptcy judge and represented in the
5 amendment made by section 3(5) of this Act, and may be
6 filled.

7 (e) *DISTRICT OF NEVADA.*—The temporary office of
8 bankruptcy judge authorized for the district of Nevada by
9 section 1223(b)(1)(T) of Public Law 109–8 (119 Stat. 197;
10 28 U.S.C. 152 note), and extended by section 2(a)(1)(Q)
11 of Public Law 112–121 (126 Stat. 346; 28 U.S.C. 152 note),
12 is converted hereby to the permanent office of bankruptcy
13 judge and represented in the amendment made by section
14 3(6) of this Act, and may be filled.

15 (f) *EASTERN DISTRICT OF NORTH CAROLINA.*—The
16 temporary office of bankruptcy judge authorized for the
17 eastern district of North Carolina by section 1223(b)(1)(M)
18 of Public Law 109–8 (119 Stat. 197; 28 U.S.C. 152 note),
19 and extended by section 2(a)(1)(J) of Public Law 112–121
20 (126 Stat. 346; 28 U.S.C. 152 note), is converted hereby
21 to the permanent office of bankruptcy judge and represented
22 in the amendment made by section 3(7) of this Act, and
23 may be filled.

24 (g) *DISTRICT OF PUERTO RICO.*—

1 (1) *The temporary office of bankruptcy judge au-*
2 *thorized for the district of Puerto Rico by section*
3 *1223(b)(1)(P) of Public Law 109–8 (119 Stat. 197;*
4 *28 U.S.C. 152 note), and extended by section*
5 *2(a)(1)(M) of Public Law 112–121 (126 Stat. 346; 28*
6 *U.S.C. 152 note), is converted hereby to the perma-*
7 *nent office of bankruptcy judge and represented in the*
8 *amendment made by section 3(8) of this Act, and*
9 *may be filled.*

10 (2) *The temporary office of bankruptcy judge au-*
11 *thorized for the district of Puerto Rico by section*
12 *3(a)(7) of Public Law 102–361 (106 Stat. 966; 28*
13 *U.S.C. 152 note), and extended by section 1223(c)(1)*
14 *of Public Law 109–8 (119 Stat. 198; 28 U.S.C. 152*
15 *note) and section 2(b)(1) of Public Law 112–121 (126*
16 *Stat. 347; 28 U.S.C. 152 note), is converted hereby to*
17 *the permanent office of bankruptcy judge and is rep-*
18 *resented in the amendment made by section 3(8) of*
19 *this Act, and may be filled.*

20 (h) *EASTERN DISTRICT OF VIRGINIA.—The temporary*
21 *office of bankruptcy judge authorized for the eastern district*
22 *of Virginia by section 1223(b)(1)(R) of Public Law 109–*
23 *8 (119 Stat. 197; 28 U.S.C. 152 note), and extended by*
24 *section 2(a)(1)(P) of Public Law 112–121 (126 Stat. 346;*
25 *28 U.S.C. 152 note), is converted hereby to the permanent*

1 *office of bankruptcy judge and is represented in the amend-*
 2 *ment made by section 3(9) of this Act, and may be filled.*

3 **SEC. 3. PERMANENT OFFICE OF BANKRUPTCY JUDGE AU-**
 4 **THORIZED.**

5 *To reflect the conversion of the temporary office of*
 6 *bankruptcy judge to the permanent office of bankruptcy*
 7 *judge made by the operation of section 2, and to authorize*
 8 *the appointment of additional bankruptcy judges, section*
 9 *152(a)(2) of title 28 of the United States Code is amended—*

10 *(1) in the item relating to the district of Dela-*
 11 *ware by striking “1” and inserting “8”,*

12 *(2) in the item relating to the middle district of*
 13 *Florida by striking “8” and inserting “9”,*

14 *(3) in the item relating to the southern district*
 15 *of Florida by striking “5” and inserting “7”,*

16 *(4) in the item relating to the district of Mary-*
 17 *land by striking “4” and inserting “5”,*

18 *(5) in the item relating to the eastern district of*
 19 *Michigan by striking “4” and inserting “6”,*

20 *(6) in the item relating to the district of Nevada*
 21 *by striking “3” and inserting “4”,*

22 *(7) in the item relating to the eastern district of*
 23 *North Carolina by striking “2” and inserting “3”,*

24 *(8) in the item relating to the district of Puerto*
 25 *Rico by striking “2” and inserting “4”, and*

1 (9) *in the item relating to the eastern district of*
 2 *Virginia by striking “5” and inserting “6”.*

3 **SEC. 4. BANKRUPTCY FEES.**

4 (a) *AMENDMENTS TO TITLE 28 OF THE UNITED*
 5 *STATES CODE.—Section 1930(a)(6) of title 28 of the United*
 6 *States Code is amended—*

7 (1) *by striking “(6) In” and inserting “(6)(A)*
 8 *Except as provided in subparagraph (B), in”, and*

9 (2) *by adding at the end the following:*

10 *“(B) In any fiscal year, the quarterly fee pay-*
 11 *able for a quarter in which disbursements equal or ex-*
 12 *ceed \$1,000,000 shall be 1 percent of such disburse-*
 13 *ments or \$250,000, whichever is less, unless the bal-*
 14 *ance in the United States Trustee System Fund as of*
 15 *September 30 immediately preceding such fiscal year*
 16 *exceeds \$200,000,000.”.*

17 (b) *DEPOSITS OF CERTAIN FEES FOR FISCAL YEARS*
 18 *2018 THROUGH 2022.—Notwithstanding section 589a(b) of*
 19 *title 28 of the United States Code, for each of the fiscal years*
 20 *2018 through 2022—*

21 (1) *97.5 percent of the fees collected under section*
 22 *1930(a)(6) of such title shall be deposited as offsetting*
 23 *collections to the appropriation “United States Trust-*
 24 *ee System Fund”, to remain available until expended,*
 25 *and*

1 (2) *2.5 percent of the fees collected under section*
2 *1930(a)(6) of such title shall be deposited in the gen-*
3 *eral fund of the Treasury.*

4 (c) *EFFECTIVE DATE; APPLICATION AMENDMENTS.—*

5 (1) *EFFECTIVE DATE.—Except as provided in*
6 *paragraph (2), this section shall take effect on July*
7 *1, 2017, or on the date of the enactment of this Act,*
8 *whichever is later.*

9 (2) *APPLICATION OF AMENDMENTS.—The amend-*
10 *ments made by this section shall apply to quarterly*
11 *fees payable under section 1930(a)(6) of title 28 of the*
12 *United States Code, as amended by this section, for*
13 *disbursements made in any calendar quarter that be-*
14 *gins on or after the effective date of the amendments*
15 *made by this section.*

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